

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

**AMAZON.COM, INC and AMAZON
DATA SERVICES, INC.,**

Plaintiffs,

v.

**WDC HOLDINGS LLC d/b/a
NORTHSTAR COMMERCIAL
PARTNERS, et al.,**

Defendants,

Case No. 1:20cv484

**Hon. Rossie D. Alston, Jr.
Hon. Theresa Buchanan**

800 HOYT LLC,

Intervening Interpleader Plaintiff,

v.

**BRIAN WATSON, WDC HOLDING
LLC, PLW CAPITAL I,
LLC.AMAZON.COM, INC, and
AMAZON DATA SERVICES, INC.**

Interpleader Defendants.

**DECLARATION OF ADAM R. SMART
IN SUPPORT OF DEFENDANT
CARLETON NELSON'S OBJECTION TO
THE MARCH 11, 2022 ORDER
PRECLUDING THE DEPOSITION OF
PETER DESANTIS
(DOC. 577)**

I, Adam R. Smart, pursuant to 28 U.S.C. § 1746 hereby declare, under penalty of perjury, as follows:

1. I am over the age of 18 years. I have personal knowledge of the facts set forth below, and if called upon to do so, I could and would competently testify thereto.

2. I am an attorney licensed to practice law in the State of Florida and admitted to appear in this case, *pro hac vice*, on behalf of Defendants Carleton Nelson and Cheshire Ventures, LLC. I am an attorney at the law firm of Burr & Forman, LLP.

3. I make this declaration in support of Defendant Carleton Nelson's objection to the March 11, 2022 Order precluding the deposition of Peter DeSantis.

4. Attached hereto as Exhibit A is a true and correct copy of the transcript from the March 11, 2022 hearing before Magistrate Judge Buchanan in this action. We first received a copy of this transcript from the Court Reporter on March 31, 2022.

5. Attached hereto as Exhibit B is a true and correct copy of an excerpt from Plaintiffs' responses to Nelson's First set of Interrogatories with pertinent sections highlighted and the confidential, irrelevant portions redacted.

Because the only purpose of these excerpts is to highlight the fact that the interrogatory responses do not identify individual Amazon approvers to whom these alleged misrepresentations were made—which portions demonstrating this are not redacted—and discovery responses are typically not filed on ECF, the confidential material which is irrelevant to the point for which the excerpt is submitted is not being provided in unredacted form. If the Court wishes to view that material of course Nelson will file it in completely unredacted form under seal pursuant to the terms of the Protective Order entered in this case.

6. During my attempts to meet and confer with Amazon on the sufficiency of the searches they have undertaken in response to requests for production, Amazon has continued to refuse to conduct a search of Mr. DeSantis' emails, asserting they are not required to do so. I requested that Amazon conduct a custodial search of DeSantis' emails by using only the internal Amazon transaction identifiers for the eleven transactions at issue in this action (e.g., IAD175). However, Amazon has not agreed to do so.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief

Executed on April 5, 2022

/s/ Adam R. Smart

ADAM R. SMART

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2022, a true and correct copy of the foregoing has been served upon the following via email:

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/s/ Rachel Friedman
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